Honolulu, Hawaii

March 21

, 2014

RE:

S.B. No. 1038

S.D. 2 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2014 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1038, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE EMPLOYEES' RETIREMENT SYSTEM,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Authorize a court to decree the forfeiture of all or any portion of the Employee Retirement System benefits to which a member, former member, or retirant of state or county employment would otherwise have been entitled if the member, former member, or retirant is convicted of a felony that the court finds to be related to the employment of the member, former member, or retirant; and
- (2) Require the Employee Retirement System to comply with a court order to reduce, suspend, or deny payment of benefits to the member, former member, or retirant.

The Employees' Retirement System Board of Trustees supported this measure.

Your Committee has amended this measure by:

- (1) Limiting the applicability of the measure's forfeiture of benefits provision to only those members, former members, and retirants hired after the effective date of the measure;
- (2) Changing its effective date to upon approval; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1038, S.D. 2, as amended herein, and recommends that it be referred to the Committee on Finance in the form attached hereto as S.B. No. 1038, S.D. 2, H.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

KARL RHOADS, Chair

State of Hawaii House of Representatives The Twenty-seventh Legislature

HSCR 1208-14

Record of Votes of the Committee on Judiciary

SB 1038 SD 2 LAB, JUD, FIN Date: 3/20/14 The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)				
2. HAR, Sharon E. (VC)	Capper Company and a 200 company and	Promise and the second	The state of the s	£ 1
3. BELATTI, Della Au	i V			
 BROWER, Tom CREAGAN, Richard 				
6. ITO, Ken				
7. KAWAKAMI, Derek S.K.				
8. LEE, Chris	~	Notes the subject to the subject tof		ala
9. NAKASHIMA, Mark M.				
10. TSUJI, Clift		4,3,3,3,3		
11. WOOLEY, Jessica				
12. MCDERMOTT, Bob			V. King in Supplication for the Police Super-Sup	AND STORY OF THE PROPERTY OF T
13. THIELEN, Cynthia				
TOTAL (13)	10			3
The recommendation is: Adopted If joint referral,	□ Not Adopted	did not suppo	rt recommendation	
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Du	plicate (Yellow) – (Chief Clerk's Office	Duplicate (Pi	nk) – HMSO